

Policy ~~9120~~ 730 – Public Complaints

Revised policy effective upon passage

1st reading April 11, 2019

2nd reading

3rd reading

Statutory authority (none)

Administrative Guidelines

(none)

Any person or group, having a legitimate interest in the operations of this ~~County~~ Board of Education shall have the right to present a request, suggestion, or complaint concerning County personnel, the program, or the operations of the County. At the same time, the Board of Education has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate. A claim by one (1) or more citizens of a violation of State law or the policies, rules, and regulations of the State West Virginia Board of Education shall seek resolution ~~through Appeals Procedure for Citizens, County Policy 9135~~ as described in West Virginia Board of Education Policy 7211.

It is the desire of the Board to rectify any misunderstandings between the public and the ~~School System~~ County by direct discussions of an informal type among the interested parties. It is only when such informal meetings fail to resolve the differences, shall more formal procedures be employed.

Any requests, suggestions, or complaints reaching the Board, Board members, and the administration shall be referred to the Superintendent for consideration according to the following procedure.

Matters Regarding a ~~Professional~~ Staff Member

A. First Level

If it is a matter specifically directed toward a ~~professional~~ staff member, the matter must be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a reasoned explanation or take appropriate action within his/her authority and County administrative guidelines.

This level does not apply if the matter involves suspected child abuse, substance abuse, or any other serious allegation which may require investigation or inquiry by school officials prior to approaching the ~~professional~~ staff member.

As appropriate, the staff member shall report the matter and whatever action may have been taken to the immediate supervisor.

B. Second Level

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor.

C. Third Level

If a satisfactory solution is not achieved by discussion with the immediate supervisor, a written request for a conference shall be submitted to the Superintendent. This request should include:

1. the specific nature of the complaint and a brief statement of the facts giving rise to it;
2. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
3. the action which the complainant wishes taken and the reasons why it is felt that such action be taken.

Should the matter be resolved in conference with the Superintendent, the Board shall be advised of the resolution.

D. Fourth Level

Should the matter still not be resolved, or if it is one beyond the Superintendent's authority and requires a Board decision or action, the complainant shall request, in writing, a meeting by the Board.

The Board, after reviewing all material relating to the case, shall provide the complainant with its written decision and/or grant a meeting before the Board.

The complainant shall be advised, in writing, of the Board's decision, no more than ten (10) business days following the meeting. The Board's decision will be final on the matter, and it will not provide a meeting to other complainants on the same issue.

If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that s/he has no authority to act in his/her individual capacity and that the complainant must follow the procedure described in this policy.

~~Matters Regarding an Administrative Staff Member~~

~~Since administrators are considered members of the County's professional staff, the general procedure specified in "Matters Regarding a Professional Staff Member" shall be followed.~~

Matters Regarding the Superintendent

Should the matter be a concern regarding the Superintendent which cannot be resolved through discussion with the Superintendent, the complainant may submit a written request to the Board President for a conference with the Board. This request shall include:

- A. the specific nature of the complaint and a brief statement of the facts giving rise to it;
- B. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
- C. the reason that the matter was not able to be resolved with the Superintendent;
- D. the action which the complainant wishes taken and the reasons why it is felt that such action should be taken.

The Board, after reviewing the request, may grant a meeting before the Board, or a committee of the Board, or refer the matter, if permitted by State law, to an executive session.

The complainant shall be advised, in writing, of the Board's decision within thirty (30) business days.

~~Matters Regarding a Service Personnel Staff Member~~

~~In the case of a service personnel staff member, the same procedure is to be followed as for "Matters Regarding a Professional Staff Member".~~

Matters Regarding County Services or Operations

If the request, suggestion, or complaint relates to a matter of County procedure or operation, it should be addressed, initially, to the person in charge and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a ~~Professional Staff Member~~".

Matters Regarding the Educational Program

If the request, suggestion, or complaint relates to a matter of the County's educational program, it should be addressed, initially, to the ~~Assistant Superintendent of Instruction~~ Director of Curriculum and Instructional Support and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a ~~Professional Staff Member~~".

Matters Regarding Instructional Materials

~~The Superintendent shall prepare administrative guidelines addressing students' and parents' rights to be adequately informed each year regarding their ability to inspect instructional materials and the procedure for completing such an inspection.~~

If the request, suggestion, or complaint relates to instructional materials such as textbooks, library books, reference works, and other instructional aids used in the County, the following procedure shall be followed:

- A. The criticism is to be addressed to the ~~Assistant Superintendent of Instruction~~ Director of Curriculum and Instructional Support, in writing, and shall include:
 1. author;
 2. title;
 3. publisher;
 4. the complainant's familiarity with the material to which an objection is made;
 5. sections under objection to, by page and item;
 6. reasons for objection.
- B. Upon receipt of the information, the ~~Assistant Superintendent of Instruction~~ Director of Curriculum and Instructional Support may, after advising the Superintendent of the complaint, and upon the Superintendent's approval, appoint a review committee which may consist of:
 1. one (1) or more professional staff members including a teacher;
 2. one (1) or more Board members;
 3. one (1) or more lay persons knowledgeable in the area.
- C. The committee, in evaluating the questioned material, shall be guided by the following criteria:
 1. the appropriateness of the material for the age and maturity level of the students with whom it is being used
 2. the accuracy of the material
 3. the objectivity of the material
 4. the use being made of the material

D. The material in question may be withdrawn from use pending the committee's recommendation to the Superintendent.

E. The committee's recommendation shall be reported to the Superintendent in writing within ten (10) business days following the formation of the committee. The Superintendent will advise the complainant, in writing, of the committee's recommendation and advise the Board of the action taken or recommended.

F. The complainant may appeal this decision, within thirty (30) business days, to the Board through a written request to the Superintendent, who shall forward the request and all written material relating to the matter to the Board.

G. The Board shall review the case and advise the complainant, in writing, of its decision within thirty (30) business days.

No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.